

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CEDRIC KING

PLAINTIFF

V.

NO: 4:05CV265-WAP-EMB

**CORRECTIONS CORPORATION
OF AMERICA, ET AL.**

DEFENDANT

ORDER

BEFORE THE COURT are Plaintiff's Motion for address of Defendant Randle (Doc. 78) and Motion for Court's Assistance in serving process (Doc. 80). By his first Motion, Plaintiff seeks the assistance of the Court in forwarding proposed settlement documents to Defendant Randle. By the second Motion, Plaintiff requests that the Court attempt "other means" in locating Randle for service of process, as previous attempts at locating Randle have failed. Plaintiff requests in the alternative that a default judgment be entered against Randle.

A review of the record indicates that by Order dated April 16, 2007, the Court determined that Defendant CCA should not be required to disclose the last known address of Defendant Randle to Plaintiff for security reasons. Instead, Defendant CCA was ordered to file said information under seal for use by the U.S. Marshal in attempting service of process upon Randle. Counsel for Defendant CCA filed Randle's last known address information in accordance with the Court's order on May 14, 2007. (Doc. 75).

The U.S. Marshal attempted service of process upon Defendant Randle, and the summons was returned unexecuted on August 28, 2007. (Doc. 82). An alias summons was issued for Randle on September 6, 2007. (Doc. 83). This summons has not been returned.

Plaintiff is not entitled to any further assistance from the Court in a search for Randle. A request for entry of a default judgment is improper, as a default judgment may not be entered against a party who has not been served with process. Accordingly, the instant motions are denied.

SO ORDERED this 20th day of September, 2007.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE